

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA
PRADESH
AT HYDERABAD**

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.24754 of 1997

Dated: 25-01-2007

Between:

1. Sri Vigneswara Plantain Vendors Welfare Association,
Ravulapalem, rep.by its President
Koppiseti Surya Rao, s/o Veeranna,
aged about 45 years,
r/o Kamarajulanka,
Ravulapalem Mandal,
East Godavari District and 18 others.

... Petitioners

and

1. The Agricultural Market Committee, Kothapeta,
rep. by its Secretary, Kothapeta,
East Godavari District and 14 others.

... Respondents

ORDER:

This petition is filed seeking *mandamus* declaring the action of respondent authorities in insisting upon petitioners to bring and sell their plantain produce in the market yard only at Ravulapalem, as illegal and arbitrary and to direct respondents not to insist petitioners to sell

their produce in the market yard at Ravulapalem in the notified market area of Kothapeta Market Committee, Kothapeta, East Godavari District.

2. Facts, in brief, are: - First petitioner association is registered under Societies Registration Act, 1860 on 14-06-1982 and it consists of nearly 500 members. All the members used to bring their agricultural produce mainly banana plantains of their own or which they received as part of their wages from the farmers, to various centers in Ravulapalem to sell them to the purchasers who used to come from out of State for the prices prevailing in the market and thereby eking out their livelihood.

The grievance of petitioners is that first respondent Market Committee without providing any facilities in the Market Yard, insisting upon petitioners to sell their produce in the Market Yard only.

3. Heard learned counsel for the parties.

4. This Court, on 16-10-1997, while issuing *Rule nisi*, directed respondents to file a counter affidavit and accordingly it appears a detailed counter was filed. Having heard both the counsel and having referred to the provisions of the Andhra Pradesh (Agricultural Produce and Livestock Market) Act, 1966 and upon perusing the averments made in the counter affidavit, this Court refused to grant any interim order and thus dismissed W.P.M.P.No.28835 of 1997 on 16-10-1997. As against the said order, petitioners preferred an appeal being

W.A.No.1367 of 1997 and a Division Bench of this Court on 03-12-1997 dismissed the said writ appeal.

5. In the light of the same, this Court is of the view that no orders can be passed at this length of time and it is open to the petitioners to question the in action on the part of the respondent Market Committee, if it does not earmark any space for storage and sale of bananas. In fact, the Division Bench was pleased to observe that if the respondent Market committee is not in a position to earmark the spaces for storage and sale of bananas, the individuals who are aggrieved on account of the said in action, may question the same. Hence, this Court is of the view that there are no merits in this writ petition.

6. Accordingly, this writ petition is dismissed.

JUSTICE GOPALAKRISHNA TAMADA

Dt.25-01-2007
GLV